

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**YOLANDA PAYTON and ROBERT  
PAYTON,  
Plaintiffs,**

**VS.**

**U.S. BANK NATIONAL ASSOCIATION  
AS TRUSTEE FOR THE HOLDERS OF THE  
SASCO-BC4 TRUST FUND, and BANK OF  
AMERICA, N.A.,  
Defendants.**

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**Case No. 4:12CV442-RAS-DDB**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 14, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants U.S. Bank National Association, as Trustee for the holders of the SASCO-BC4 trust fund (“US Bank”), and Bank of America, N.A. (“Bank of America”)’s Motion to Dismiss Plaintiffs’ Second Amended Complaint (Dkt. #15) be DENIED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the court. Therefore, Defendants U.S. Bank National Association, as Trustee for the holders of

the SASCO-BC4 trust fund ("US Bank"), and Bank of America, N.A. ("Bank of America")'s Motion to Dismiss Plaintiffs' Second Amended Complaint (Dkt. 15) is DENIED.

**IT IS SO ORDERED.**

**SIGNED this the 27th day of September, 2013.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The middle initial "A." is written in a smaller, more compact script. The last name "Schell" is written with a large, prominent "S" and a long, sweeping tail that extends to the right.

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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE